

**SUBCHAPTER B : LEVEE IMPROVEMENT DISTRICTS  
AND APPROVAL OF DISTRICT PLANS OF RECLAMATION**

**§301.21. Procedures Concerning Formation of District.**

(a) Levee improvement districts to which this subchapter applies are formed in accordance with the procedures set forth in the Texas Water Code, Chapter 57.

(b) Upon petitioning the county commissioner's court for the creation of the district pursuant to the Texas Water Code, Chapter 57, and giving the notice required by the Texas Water Code, §57.015, the person or persons petitioning the county commissioner's court shall file with the executive director of the Texas Water Commission notice of the hearing before the county commissioner's court on the creation of the district. The notice shall state that the petition has been filed with the appropriate county commissioner's court and shall include a statement of the petition's general purpose and the time and place of the hearing.

(c) In accordance with the Texas Water Code, §57.016, a representative of the executive director of the Texas Water Commission shall attend the hearing before the county commissioner's court on the petition to create the district and shall file a written report with the county commissioner's court concerning the necessity, feasibility, probable costs of reclaiming the land of the district from overflow and of draining it properly, and costs of organizing the district and maintaining it for two years. The executive director shall furnish the county commissioner's court with any additional information that is required.

**§301.22. Procedures Subsequent to Formation of District; Applications for Approval of District Plans of Reclamation.**

(a) The proposed plan of reclamation of a levee improvement district, which must be approved by the Texas Water Commission, is considered an application for which fees are payable pursuant to §§301.71-301.74 of this title (relating to Fees). The district shall file the application for approval with the executive director. The proposed plan of reclamation shall contain a report prepared by the district's engineer, which shall include maps and profiles of results of a survey of the land inside the boundaries of the district and land surrounding the district, economic data as specified in §301.23 of this title (relating to Data Required for Applications for Proposed Plans of Reclamation and Criteria Applicable to Proposed Plans of Reclamation), and the engineer's recommendations of levees or other improvements to reclaim the land. Amendments to an approved plan of reclamation must also be approved by the commission.

(b) The procedure set forth in §301.51 of this title (relating to Notice Required) shall apply to applications for proposed plans of reclamation for which no approval of levees or other improvements pursuant to the Texas Water Code, §16.136, is required.

(c) Mail notice of application, publication of notice of application, publication of notice of

hearing, and notice of remanded hearing for levees and other improvements for which approval by the commission pursuant to the Texas Water Code, §16.236, is required shall be made in accordance with the procedures set forth in §§301.51-301.57 of this title (relating to Notice and Hearing).

(d) The executive director of the Texas Water Commission shall examine the proposed plan of reclamation and shall recommend approval, disapproval, or modification to the commission. The commission shall consider the executive director's recommendation at a commission meeting and shall issue an order approving, approving with modifications, or disapproving the proposed plan of reclamation. If approved, the plan shall then be termed "the plan of reclamation."

(e) The appeal procedure on the commission decision to approve or disapprove the proposed plan of reclamation set forth in the Texas Water Code, §57.094, shall be followed with regard to the appeal of a decision by the Texas Water Commission approving or disapproving a proposed plan of reclamation.

**§301.23. Data Required for Applications for Proposed Plans of Reclamation and Criteria Applicable to Proposed Plans of Reclamation.**

The data set forth in §301.33 of this title (relating to Preliminary Plans: Data To Be Submitted), §301.34 of this title (relating to Criteria For Approval of Preliminary Plans), §301.35 of this title (relating to Additional Information), and §301.36 of this title (relating to Plans To Bear Seal of Engineer) must be submitted with applications for approval of proposed plans of reclamation. In addition, the following economic data shall be submitted:

- (1) total estimated cost of project and bond issue requirement;
- (2) taxable value of district area at full development;
- (3) total annual debt service requirement of bonds;
- (4) life of bonds and interest;
- (5) percent collection;
- (6) tax rate per \$100.00 of value; and
- (7) table of summary of project costs with the following:
  - (A) cost of improvements (construction costs); and
  - (B) estimated cost of maintenance of proposed improvements.